

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:23-cr-10039-DJC
)	
JOHN SULLIVAN,)	
Defendant)	

**MOTION TO ORDER INVESTIGATION AND CONDUCT A RESTITUTION HEARING
PRIOR TO ISSUING A RESTITUTION ORDER**

Now comes the Defendant, *John Sullivan*, by and through his Counsel in the above-referenced criminal indictment and respectfully requests this Honorable Court order an investigation and conduct a restitution hearing prior to entering a restitution order in this case.

In support of this motion, on August 28, 2024, the Government provided counsel with its' *Supplemental Sentencing Regarding Restitution*. In the memorandum the Government seeks restitution in a total amount of \$144,059. The dollar amount is apportioned to three different parties. Counsel has not received any documentation indicating the losses, just a summary amount.

18 U.S.C. § 3664 outlines the procedure for issuance of a restitution order. "...[t]he court shall order the probation officer to obtain and include in its presentence report, or in a separate report, as the court may direct, information sufficient for the court to exercise its discretion in fashioning a restitution order. The report shall include, to the extent practicable, a complete accounting of the losses to each victim, , any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant." 18 U.S.C. § 3664(a).

In this case, a summary amount was provided for three parties in the case. Mr. Ngo has indicated he was self-employed and unable to work for 13 months. The

Government's filing indicates his net profit from his 2022 tax return. No further information or documentation is provided to support his earnings. Additionally, no tax return or documentation is provided for 2023, the year where no earnings occurred. The Defendant seeks to review the documentation in support of the lost wages.

Additionally, the other two parties reporting a loss do not provide any documentation in support of their loss. The Defendant seeks to review any documentation in support of the two other entities described in the Government's motion.

WHEREFORE, the Defendant requests any documentation to support the losses and to schedule the matter for a hearing relating to the restitution amount.

DATE: September 3, 2024

Respectfully submitted,
John Sullivan
By his attorney,

/s/ Jeffrey Miller
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CERTIFICATE OF SERVICE

I, Jeffrey Miller, hereby certify that this document, filed through the ECF System, will be electronically sent to the registered participants as identified on the Notice of Electronic Filing (NEF), and that papers will be sent to all non-registered participants who have appeared in this case.

/s/ Jeffrey Miller
Jeffrey Miller